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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW J. SILVA,

Plaintiff(s),

v.

STATE OF NEVADA, et al.,

Defendant(s).

Case No. 2:16-cv-00348-RFB-NJK

ORDER

(Docket No. 21)

16 Pending before the Court is a notice by Plaintiff regarding service and the potential filing of a
17 motion for leave to amend the complaint. Docket No. 21. As an initial matter, the Court declines to delay
18 service in this case based on the potential that Plaintiff will seek to amend the complaint. Turning to the
19 unsuccessful service on Defendant Martinez, it appears that service was attempted on him at an N.D.O.C.
20 facility. *See* Docket No. 20. Defendant Martinez no longer works for N.D.O.C., and the state has filed his
21 last known address under seal. *See* Docket No. 18. As such, Plaintiff shall resubmit the USM-285 Form
22 to the United States Marshals Service that is completed, except the address for Defendant Martinez should
23 be left blank and the United States Marshals Service shall serve Defendant Martinez at his last known
24 address that was filed under seal with the court.

25 Accordingly, the Court **ORDERS** as follows:

- 26 • Plaintiff is free to seek leave to amend the complaint, which the Court expresses no opinion
27 herein as to whether such request will be granted, but Plaintiff shall nonetheless proceed
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1 with completing service on Defendant Martinez based on the complaint that is currently
2 operative.

- 3 • The Clerk's Office is instructed to re-issue the summons in this case and send Plaintiff a
4 USM-285 form.
- 5 • Plaintiff shall complete that USM-285 form within 30 days with the relevant information,
6 but shall leave blank the address for service on Defendant Martinez.
- 7 • To ensure the United States Marshals Service can attempt service at the correct address, the
8 Clerk's Office shall send a copy of the complaint (Docket No. 10), this order, and the sealed
9 address for Defendant Martinez (Docket No. 18) to the United States Marshals Service.

10 IT IS SO ORDERED.

11 DATED: June 2, 2017

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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